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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 WILLIE BAILEY, III,

11 Plaintiff,

No. CIV S-04-2067 GEB EFB P

12 vs.

13 J. WEDELL, et al.,

14 Defendants.
15 _____/

FINDINGS AND RECOMMENDATIONS

16 On August 18, 2006, the court ordered the United States Marshal to serve the complaint
17 on defendants. On August 2, 2007, process directed to defendant Felix was returned unserved.
18 By an order filed September 21, 2007, the court directed plaintiff to provide additional
19 information to serve defendant Abrahamawitz within 90 days. That period has passed and
20 plaintiff has not returned the USM-285 form necessary to effect service on defendant
21 Abrahamawitz or otherwise responded to the court's order.

22 Accordingly, it is hereby RECOMMENDED that defendant Abrahamawitz be dismissed
23 without prejudice.

24 These findings and recommendations are submitted to the United States District Judge
25 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days
26 after being served with these findings and recommendations, any party may file written

1 objections with the court and serve a copy on all parties. Such a document should be captioned
2 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections
3 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*
4 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

5 DATED: January 30, 2008.

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7 EDMUND F. BRENNAN
8 UNITED STATES MAGISTRATE JUDGE
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